

**Policy Title: VARIANCE/WAIVER REQUESTS****No. V - 1****Board Approval:** 9/16/04**Effective:** 10/1/04**Supersedes:** 6/1/96**Page:** 1 of 3**I. POLICY**

- A. Section 535.150, Subsection (a) of the Illinois Department of Public Health EMS Rules and Regulations states: "The Department may grant a waiver to any provision of the EMS Act or rules for a specified period of time determined appropriate by the Department when it can be demonstrated that there will be no reduction in standards of medical care as determined by the EMS MD or IDPH" (Section 3.185 of the Act).
- B. Similarly, the NWC EMSS will consider waivers for a specified period of time determined appropriate by the EMS Medical Director (EMS MD) or his designee for any provisions in System Policies if it can be demonstrated that there is hardship to a Provider and that there will be no reduction in standards of EMS care.

**II. PROCEDURE for requesting a System Variance**

- A. Whenever it becomes necessary for a NWC EMSS Provider or member to temporarily deviate from System-specific standards, the Provider/member must submit a written System Variance Request to the EMS MD, prior to enacting the anticipated deviation. The EMS MD must grant or deny the Variance and respond within 72 hours of receiving the request.
- B. **The Variance Request shall include:**
  - 1. the applicant's name, address and license or certification numbers if applicable.
  - 2. the specific policy(ies) for which the variance is being sought.
  - 3. an explanation of why the applicant considers compliance with System standards to be a hardship, including a description of how the applicant has attempted to comply with the standards.
  - 4. the period of time for which the variance is being sought.
  - 5. an explanation of how the waiver will not reduce the standards of medical care established by the EMS Act or the EMS MD.
- C. The EMS MD shall state in writing whether he recommends or opposes the application for waiver, his reason for such recommendation or opposition, and his statement of how the waiver will or will not reduce the standards of medical care established by the EMS Act or the Rules.
- D. When the variance request involves a requirement of state statute or rules, the EMS MD shall forward his recommendations to IDPH along with the completed Variance Request form. If the variance involves System standards or discretionary requirements, the EMS MD shall consider and make a decision relative to the request.
- E. The EMS MD shall grant the requested variance if it is determined that:
  - 1. the waiver will not reduce the standards of care established by the EMS System.
  - 2. full compliance with the regulation/standard at issue is or would be a hardship on the applicant.

**III. Procedure for Requesting a Waiver from IDPH**

- A. Any entity may apply in writing to IDPH for a waiver to specific requirements or standards for which it compliance to be a hardship. (Section 3.185 of the Act). The application shall contain the following information:
  - 1. The applicant's name, address, and license number (if applicable);
  - 2. The Section of the Act or Rules for which the waiver is being sought;

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3. An explanation of why the applicant considers compliance with the Rules to be a hardship, including a description of how the applicant has attempted to comply with the Rules;
  4. The period of time for which the waiver is being sought;
  5. An explanation of how the waiver will not reduce the quality of medical care established by the Act and Rules; and
  6. If the applicant is a System Participant, the applicant's EMS Medical Director shall state in writing whether he/she recommends or opposes the application for waiver, the reason for such recommendation or opposition, and how the waiver will or will not reduce the quality of medical care established by the Act and the Rules. The applicant shall submit the EMS MD's statements along with the application for waiver. If the EMS MD does not provide written statements within 30 days of the applicant's request, the application may be submitted to IDPH and the EMS MD will be determined to be in support of the waiver.
  7. **IDPH waiver forms are available on line**
- B. An EMS MD may apply to IDPH for a waiver on behalf of a System Participant by submitting an application that contains all of the information required by subsection (b) of the Rules, along with a statement signed by the System Participant requesting or authorizing the EMS MD to make such application.
- C. The IDPH shall grant the requested waiver if it finds the following:
1. The waiver will not reduce the quality of medical care established by the Act and the Rules; and
  2. Full compliance with the regulation at issue is or would be a hardship on the applicant;
  3. For an EMT seeking a waiver to extend a relicensure date in order to complete relicensure requirements,
    - a. The EMT has previously received no more than one extension since his or her last relicensure; and
    - b. the EMT has not established a pattern of seeking extensions (e.g. waivers sought based on the same type of hardship in two or more previous license periods);
  4. For an applicant other than an EMT
    - a. the applicant has previously received no more than one waiver of the same regulation or standard during the current license or designation year;
    - b. the applicant has not established a pattern of seeking waivers of the same regulation or standard during previous license or designation years, and
    - c. The Department finds that the hardship preventing compliance with the particular regulation is of an ongoing nature.
  5. For a hospital requesting a waiver to participate in a System other than that in which the hospital is geographically located,
    - a. Documentation that transfer patterns support the request; and
    - b. Historic patterns of patient referrals support the request.

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- D. When granting a waiver, the Department shall specify the regulation or portion thereof that is being waived, any alternate requirement that the waiver applicant shall meet, and any procedures or timetable that the waiver applicant shall follow to achieve compliance with the waived regulation.
- E. The Department shall determine the length of any waiver that it grants, based on the nature and extent of the hardship, and the medical needs of the community or area in which the waiver applicant functions.
- F. IDPH shall grant a waiver of Section 515.830(a)(1) of the Rules for a vehicle that changes ownership after April 1, 1997, if the vehicle meets the requirements of the U.S. General Services Administration's "Specifications for Ambulance" (KKK-A-1822E).

Source: Added at 21 Ill. Reg. 5170, effective April 15, 1997)

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John M. Ortinau, M.D., FACEP  
EMS Medical Director

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EMS Administrative Director

# Northwest Community EMS System VARIANCE REQUEST

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|--|-------------|
| Date Submitted:  | EMS Agency: |
| Applicant name:  | Address:    |
| Phone:   | Fax:        |
| Situation Necessitating Variance: (explain hardship including a description of how you have attempted to comply with the standards): |             |
| Time Requested:<br>From  | To:         |
| Explain how the waiver will not reduce the standards of care established by the EMS Act or the EMS Medical Director:                 |             |

## To be completed by the EMS Medical Director / designee

|   |  |
|---|--|
| Date Received:  | Determination: <input type="checkbox"/> Accepted <input type="checkbox"/> Denied |
| Authorized from:  | to:  |
| Alternate requirements that the waiver applicant shall meet; any procedures or timetable that the waiver applicant shall follow in order to achieve compliance with the waived standard/regulation. |  |
| If denied - rationale:  |  |
| Communicated to:  | By:  |
| Signature:  | Date:  |